

Defendant's overall conduct makes it obvious that it only recently approved Mr. Jeffries' Claim in order to avoid an adverse judgment in this matter and to deny Mr. Jeffries' future benefits within the friendly confines of its own internal review and appeal procedures. In this way, defendant intends to use ERISA as a "club" to further deny Mr. Jeffries the basic benefits to which he is entitled. Defendant hopes that Mr. Jeffries would not be emotionally or financially capable of surviving another administrative review and appeal process.

Defendant should not be permitted to again use its three year internal appeal process to exhaust Mr. Jeffries' resources and resolve and beat him into submission. No other conclusion is logically possible.

The Court should further award Mr. Jeffries attorney's fees (for June 1, 1999 to the present), costs, and interest.

Respectfully submitted,

Dated: September 19, 2003

/s Michael A. Roberts
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was faxed and mailed to Edward T. Wahl, Esq., FAEGRE & BENSON LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901 and Jim Cummings, Waite Schneider Bayless & Chesley, One West Fourth Street, Cincinnati, Ohio 45202, on this 19th day of September, 2003.

/s Michael A. Roberts